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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,322	09/25/2003	John Emmett Riordan III	1137-11	4132
23117	7590	12/08/2005	EXAMINER	
NIXON & VANDERHYE, PC			SCHNEIDER, CRAIG M	
901 NORTH GLEBE ROAD, 11TH FLOOR				
ARLINGTON, VA 22203			ART UNIT	PAPER NUMBER
			3753	
				DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/669,322	RIORDAN ET AL.
	Examiner Craig M. Schneider	Art Unit 3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/30/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it exceeds 150 words in length. It is important that the abstract does not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. Correction is required. See MPEP § 608.01(b).

Drawings

The drawings are objected to because "38" in Figure 2 is indicating the vertical axis and not the intersection of the plates if extended. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1,2, 4-8, 11-13, 15-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marandi (5,575,308) in view of Nelson (3,342,444).

Marandi discloses an apparatus for restraining movement of a valve (10) embedded in the ground comprising an anchor (30) for securement to the valve and including an anchor body (31) for disposition in the ground and having at least first and second plates (32 and 33) spaced from one another and a connecting member (45, 46, 34, and 35)(col. 5, lines 17-23 and 45-48) carried by the anchor body connecting the plates to one another as seen in Figures 3 and 4(col. 4, lines 18-30) and engageable with the valve to substantially minimize or eliminate rotational movement of the valve relative to the anchor in response to a torque applied to the valve to open or close the

valve (col. 4, lines 56-65). Marandi further discloses a means (42) carried by the anchor body for engaging the valve to substantially eliminate or minimize rotational movement of the valve relative to the anchor upon rotational movement applied to the valve to open or close the valve (col. 4, lines 35-55).

Marandi claims all the features of the claimed invention except that the plates are extending generally vertically in discrete planes non-parallel to one another and which planes, when extended, intersect one another along a generally vertical line. Nelson discloses having at least first and second plates (30)(col. 2, lines 24-44) spaced from one another and extending generally vertically in discrete planes non-parallel to one another and which planes, when extended, intersect on another along a generally vertical line as seen in Figure 4.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the plates of Nelson onto the valve anchor of Marandi, in order to compact the earth to provide stabilization if a torque is applied to the anchored valve (col. 1, lines 34-37).

Regarding claim 2, Marandi-Nelson in combination disclose that the connecting member lies to one side of the vertical line.

Regarding claim 4 and 15, Marandi-Nelson in combination disclose that the anchor has a center of support against vertical movement, the center of support lying laterally offset from the vertical line and closely spaced to or coincident with the vertical axis.

Regarding claim 5, Marandi-Nelson in combination disclose that the connecting member includes a plurality of angularly-related flats (50-53) for engagement about the valve (col. 4, 30-34)(Marandi).

Regarding claim 6, Marandi-Nelson in combination disclose that the flats extend along the connecting member between upper edges of the plates, and define a recess in the connecting member (40)(Marandi) having a lateral opening for receiving the valve (col. 4, lines 30-34)(Marandi).

Regarding claim 7, Marandi-Nelson in combination disclose that the connecting member includes an arm (43) having a first flat (53) in generally horizontal registration with a second flat (50), the first and second flats lying diametrically opposite one another and to one side of the vertical line as seen in Figure 4 of Marandi.

Regarding claim 8, Marandi-Nelson in combination disclose that the connecting member includes a plate extending generally horizontally between said vertically extending plates as seen in figure 4 of Marandi.

Regarding claim 11, Marandi-Nelson in combination disclose that the plates each have a height to width ratio of 2:1 as seen in Figure 3 of Nelson.

Claims 1, 3, 8-10, 12, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marandi (5,575,308) in view of Lovell (3,850,128) and in further view of Nelson (3,342,444).

Marandi discloses an apparatus for restraining movement of a valve (10) embedded in the ground comprising an anchor (30) for securement to the valve and including an anchor body (31) for disposition in the ground and having at least first and

second plates (32 and 33) spaced from one another and a connecting member (45, 46, 34, and 35)(col. 5, lines 17-23 and 45-48) carried by the anchor body connecting the plates to one another as seen in Figures 3 and 4(col. 4, lines 18-30) and engageable with the valve to substantially minimize or eliminate rotational movement of the valve relative to the anchor in response to a torque applied to the valve to open or close the valve (col. 4, lines 56-65). Marandi further discloses a means (42) carried by the anchor body for engaging the valve to substantially eliminate or minimize rotational movement of the valve relative to the anchor upon rotational movement applied to the valve to open or close the valve (col. 4, lines 35-55).

Marandi claims all the features of the claimed invention except that the plates are extending generally vertically in discrete planes non-parallel to one another and which planes, when extended, intersect one another along a generally vertical line. Lovell discloses having at least first and second plates (18)(col. 2, lines 24-44) spaced from one another and extending generally vertically in discrete planes non-parallel to one another. Nelson further discloses having plates (30) at the end of the radiating plates (16) plates and which planes of the plates (30)(col. 2, lines 24-44), when extended, intersect one another along a generally vertical line.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the four plates of Lovell with the spade portion of Nelson onto the anchor of Marandi, in order to add more stability with the four plates of Lovell and the pincer action of the spade plates of Nelson (col. 2, lines 44-54).

Regarding claim 3, Marandi-Lovell-Nelson disclose the planes and the plates (30 of Nelson) lying in the planes are oriented about 90° relative to one another.

Regarding claim 9, Marandi- Lovell-Nelson in combination disclose that the planes and the plates lying in the planes are oriented about 90° relative to one another, the connecting member including a plurality of angularly-related flats facing inwardly from and formed along an inner edge of the horizontal plate, the flats defining a recess in the connecting member having a lateral opening for receiving the valve.

Regarding claim 10, Marandi-Lovell-Nelson in combination disclose that the planes and the plates lying in the planes are oriented about 90° relative to one another, the connecting member including a plurality of angularly related flats extending between upper edges of the plates, the connecting member including an arm having a first flat of the plurality of flats in generally horizontal registration with a second flat of the plurality of flats, the first and second flats lying diametrically opposite one another and to one side of the vertical line.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Allison (436,011), Heenan et al. (3,825,186), Lakey (4,800,916), and Wiley et al. (5,738,131) are valve anchors. Diescher (819,637) and Odle (5,984,587) are post anchors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig M. Schneider whose telephone number is (571) 272-3607. The examiner can normally be reached on M-F 8:30 -5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Blau can be reached on (571) 272-4406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMS
December 1, 2005


Craig Schneider
Patent Examiner
Art Unit 3753


STEPHEN BLAU
PRIMARY EXAMINER